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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

Plaintiff,  
vs.

Civ. No. S-06-156 KJM CKD P

ORDER

DIRECTOR, C.D.C.R., et al.,

Defendants.

Defendants Ellis, Lorusso and Parks propose to call Cheryl Paizis, D.O. to testify about plaintiff’s mental health history. They argue that the testimony is relevant to plaintiff’s credibility and would not be unduly prejudicial. Plaintiff opposes the request.

Although in some circumstances, a court may permit a party to offer evidence of a party or witness’s mental health history to assist the jury in resolving questions of credibility, *United States v. Kohring*, 637 F.3d 895, 910 (9th Cir. 2011), the court declines to do so in this case. Although Dr. Paizis says she consulted plaintiff’s deposition, the complaint and his medical records, she also acknowledges that she treated plaintiff during 2004 and 2005. To the extent her opinions are derived from that treatment, they are arguably privileged. *Jaffee v. Redmond*, 518 U.S. 1, 9-10 (1996). Because of the real possibility that Dr. Paizis’s testimony is based on privileged information and the potential for prejudice from many of the incidents

1 described in Dr. Paizis's report, the court determines that her testimony is not admissible. FED.  
2 R. EVID. 403, 501.

3 IT IS SO ORDERED.

4 DATED: March 8, 2012.

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7 UNITED STATES DISTRICT JUDGE  
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